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October 30, 2014

BY CERTIFIED MAIL

L. Dale Pretz, President and Director
Rathbone Precision Metals, Inc.
223 New Castle Dr.
Shillington, PA 19607
Certified Mail # 7012 2210 0001 3554 3178

Re: 60-Day Notice of Violations and Intent to File Suit Regarding Noncompliance
with Federal Clean Water Act's Industrial Stormwater Discharge Requirements:
1241 Park Street, Palmer MA

Dear Mr. Pretz:

This office represents Clean Water Action, a national non-profit citizens' organization working for prevention of pollution in the nation's waters, protection of natural resources, creation of environmentally-safe jobs and businesses, and empowerment of people to make democracy work. Clean Water Action has over one million members nationally, more than 50,000 of whom reside in Massachusetts.

We write to give notice that Clean Water Action intends to file a civil action in the United States District Court for the District of Massachusetts under section 505 of the Federal Clean Water Act (the "Act") against Rathbone Precision Metals, Inc. ("Rathbone"). The subject of the action will be Rathbone's unlawful discharge of stormwater from its primary metals facility at 1241 Park Street, Palmer (the "Facility"). Stormwater runoff from the Facility is discharged into Graves Brook via the Town of Palmer's municipal storm drain system. Graves Brook is in the Chicopee River Watershed.

Rathbone submitted a Notice of Intent ("NOI") to be covered by EPA's reissued Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (the

“Permit”) on March 26, 2009 and November 15, 2011.¹ Since September 2009, Rathbone failed to monitor and report on its stormwater discharges of iron, total suspended solids (TSS), and copper as required by the Permit.² Furthermore, Rathbone has repeatedly exceeded EPA benchmark limits for aluminum and zinc. The ongoing nature of these exceedances shows that the company is not taking adequate corrective action to reduce its discharges of these pollutants. The company has also failed to perform the required inspections and submit all required annual reports to EPA.

BACKGROUND

Activities that take place at industrial facilities, such as material handling and storage, are often exposed to the weather. As runoff from rain or snowmelt comes into contact with these materials, it picks up pollutants and transports them to nearby rivers, lakes, or coastal waters and tributaries thereto, including but not limited to storm sewer systems, wetlands, and other surface waters. Stormwater pollution is a significant source of water quality problems for the nation's waters.

Clean Water Action will ask the Court to ensure Rathbone's future compliance with the Act, assess civil penalties in an appropriate amount,³ award plaintiff its litigation costs, including attorney and expert fees, and award any other relief the Court deems appropriate. Clean Water Action's complaint will be filed a minimum of 60 days after the postmark date of this letter. This is a formal 60-day notice of intent to sue that is being served pursuant to 40 C.F.R., Part 135.

¹ The Stormwater Permit expired on September 29, 2013, but has been administratively continued by its own terms.

² Rathbone's NOI requested permit coverage for the following sectors and subsectors: F1, F2, F3, F4, and F5. *See* NOI. These sectors and subsectors require that Rathbone monitor for the following parameters: aluminum, zinc, TSS, copper, and iron. *See* Permit Section 8.F.5, pg. 59.

³ The Statute authorizes the Court to assess a penalty of up to \$37,500 a day for each violation. *See* 33 U.S.C. § 1319(d) and 78 Fed. Reg. 66647 (Nov. 6, 2013).

This notice is being provided by:

Cindy Luppi, New England Regional Co-Director
Clean Water Action
262 Washington Street, Suite 301
Boston, MA 02108
(617) 338-8131
(617) 335-6449 (fax)

Counsel for Clean Water Action in this case is:
Nora J. Chorover
Stern, Shapiro, Weissberg & Garin, LLP
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Boston, MA 02114
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(617) 742-5858 (fax)

RATHBONE'S VIOLATIONS AND DATES OF VIOLATIONS

Rathbone's violations are described below and are also set forth on a Table attached as Exhibit A hereto.⁴ The Complaint, when filed, will set forth additional days of violations that occur between the date of this letter and the date on which the Complaint is filed.

1. Failure to Comply with the Permit's Monitoring, Inspection, and Reporting Requirements.

Rathbone is required to collect and analyze stormwater and document the monitoring activities used on site on a quarterly basis.⁵ Rathbone is required to monitor for aluminum, zinc, TSS, copper, and iron.⁶ Rathbone failed to comply with the Permit's monitoring requirements, as set forth on Exhibit A. In particular, Rathbone failed to monitor for TSS, copper, and iron for the duration of time its discharges have been authorized by the Permit. Additionally, Rathbone

⁴ Clean Water Action believes that violations have occurred on the dates identified in this letter and on Exhibit A, and not just on rain days. However, to the extent it is determined that rain days are relevant in determining the dates of violations, such rain dates through October 26, 2014 are set forth on Exhibit B hereto. The complaint, when filed, will set forth additional rain dates since October 26, 2014.

⁵ See Permit Section 6.1.

⁶ See Permit Section 8.F.5, pg. 59.

failed to monitor and report aluminum levels for many quarters. Rathbone also failed to monitor any of its parameters during six monitoring quarters.

Rathbone is required to report certain information to EPA and the Massachusetts Department of Environmental Protection ("Mass DEP") regarding its stormwater discharges in accordance with the provisions of Section 7 of the Permit. Rathbone must submit quarterly benchmark monitoring data to EPA within 30 days following receipt of monitoring results.⁷ Rathbone failed to comply with these requirements. These violations are set forth on Exhibit A.

Rathbone is required to submit an annual report to EPA regarding the findings from its annual comprehensive site inspections and corrective actions that may be required.⁸ Rathbone submitted an annual report in 2012. Rathbone failed to submit all other annual reports required by the Permit, as set forth in Exhibit A.

To the extent additional reporting violations become known to Clean Water Action before the action is filed, the complaint will seek remedy for such additional reporting violations. To the extent additional reporting violations are learned through discovery in this action, the complaint will be amended to seek remedy for such additional reporting violations.

2. Failure to Implement Adequate Control Measures and Corrective Action.

The Permit requires Rathbone to ensure that its control measures minimize its stormwater pollutant discharges. Permit, Section 2.0, pg. 12.⁹ Rathbone must modify its control measures as expeditiously as practicable whenever it finds that they "are not achieving their intended effect of minimizing pollutant discharges." *Id.*, Section 2.1. Corrective action must be taken whenever the results of monitoring show that "an exceedance of the 4 quarter average is mathematically certain."¹⁰ Documentation of corrective action must be included in the annual report.¹¹

⁷ See Permit, Section 7.1; If the data contains any exceedences of benchmarks, it must also be submitted to Mass DEP. See Permit, Section 9.1.2.4.

⁸ See Permit, Section 7.2, pg. 41.

⁹ "Minimize" means "reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice." *Id.*

¹⁰ Permit, pg. 19.

¹¹ *Id.*

As shown on the following table, levels of aluminum and zinc in Rathbone's stormwater discharges have been above the Permit's benchmark levels since it began monitoring in September of 2009.

TABLE OF MONITORING RESULTS SHOWING BENCHMARK EXCEEDENCES

Values that are bolded and underlined indicate that it is mathematically certain that the rolling annual average for the last four consecutive monitoring quarters will exceed or has exceeded the applicable benchmark.

| <u>Collection Quarter</u> | <u>Collection Date</u> | <u>Outfall Name</u> | <u>Aluminum (0.75 mg/L)</u> | <u>Zinc (0.04 mg/L)</u> |
|---------------------------|------------------------|---------------------|---|---------------------------|
| Oct - Dec 2013 | 11/18/2013 | DA-001 | "Detected," but no information provided | <u>0.1</u> |
| July - Sept 2013 | 9/22/2013 | DA-001 | "Detected," but no information provided | <u>0.07</u> |
| April - June 2013 | 5/19/2013 | DA-001 | "Detected," but no information provided | <u>0.13</u> |
| Jan - Mar 2013 | 3/12/2013 | DA-001 | "Detected," but no information provided | <u>0.07</u> |
| Oct - Dec 2012 | Not Monitored | | | |
| July - Sept 2012 | Not Monitored | | | |
| April - June 2012 | Not Monitored | | | |
| Jan - Mar 2012 | Not Monitored | | | |
| Oct - Dec 2011 | Not Monitored | | | |
| July - Sept 2011 | 9/28/2011 | DA-001 | <u>0.83</u> | <u>0.38</u> |
| April - June 2011 | 6/29/2011 | DA-001 | <u>3.35</u> | <u>0.26</u> |
| | | DA-002 | Not Monitored | <u>0.26</u> |
| Jan - Mar 2011 | 3/6/2011 | DA-001 | <u>0.22</u> | <u>0.02</u> |
| | | DA-002 | Not Monitored | <u>0.06</u> |
| Oct - Dec 2010 | 10/14/2010 | DA-001 | <u>1.05</u> | <u>0.37</u> |
| | | DA-002 | Not Monitored | <u>0.26</u> |
| July - Sept 2010 | 9/8/2010 | DA-001 | <u>2.09</u> | <u>0.35 / 0.45</u> |
| | | DA-002 | <u>1.26</u> | Not Monitored |
| April - June 2010 | 5/18/2010 | DA-001 | <u>0.39</u> | <u>0.15</u> |
| | | DA-002 | <u>0.86</u> | <u>0.26</u> |
| Jan - Mar 2010 | 1/18/2010 | DA-001 | <u>0.51</u> | <u>0.11</u> |
| | | DA-002 | <u>0.1</u> | <u>0.25</u> |

| | | | | |
|------------------|-----------|--------|--------------------------|-------------|
| Oct - Dec 2009 | 12/9/2009 | DA-001 | <u>0.09</u> | <u>0.06</u> |
| | | DA-002 | <u>0.1</u> ¹² | <u>0.08</u> |
| Oct - Dec 2009 | 10/3/2009 | DA-001 | <u>3.51</u> | <u>0.18</u> |
| | | DA-002 | <u>1.87</u> | <u>0.12</u> |
| July - Sept 2009 | 9/11/2009 | DA-001 | <u>3.04</u> | <u>0.37</u> |
| | | DA-002 | <u>1.52</u> | <u>0.39</u> |

The presence and persistence of these exceedances show that the company has not complied with the requirement to “modify” its control measures “as expeditiously as practicable” to minimize its pollutant discharges.¹³ Because Rathbone has not been regularly monitoring its pollutant discharges for TSS, copper, and iron at either of its outfalls, or for aluminum at outfall 002, the company cannot know how its existing control measures are performing and therefore cannot have been modifying them as necessary to minimize stormwater pollutant discharges.

This Notice Letter alleges Rathbone failed to implement adequate control measures based on information presently available to Clean Water Action. If additional information regarding this violation becomes known to Clean Water Action in the future, the complaint may set forth some or all of such additional information.

CONCLUSION

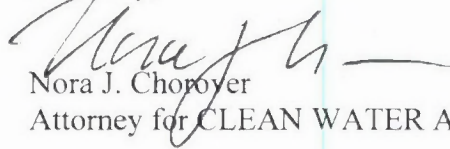
Clean Water Action believes this Notice of Violations and Intent to File Suit sufficiently states the basis for a civil action. During the 60-day notice period, we would be willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of litigation. If you wish to pursue such discussions, please have your attorney contact us within the next 20 days so that negotiations may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

¹² Since Rathbone sampled twice in the October through December 2009 monitoring quarter, both of the sampling results must be included in calculating the rolling annual average for the four consecutive monitoring quarters.

¹³ Moreover, the Permit requires the company to implement corrective action as set forth in Section 3.2 whenever the average of 4 quarterly sample results exceeds an applicable benchmark. To the extent corrective action was taken by the company following the triggering of this event, such corrective action was inadequate, as shown by the fact that benchmark exceedances have persisted.

Rathbone Precision Metals, Inc.
10/30/2014
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Sincerely,



Nora J. Chorover
Attorney for CLEAN WATER ACTION

cc: (by certified mail)

Curt Spalding, Regional Administrator
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Certified Mail # 7012 2210 0001 3554 3154

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U.S. Department of Justice
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David W. Cash, Commissioner
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108
Certified Mail # 7012 2210 0001 3554 3130

CT Corporation System, Registered Agent for
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Certified Mail # 7012 2210 0001 3554 3123

Brandon Robb, Plant Manager
Rathbone Precision Metals, Inc.
1241 Park St.
Palmer, MA 01069
Certified Mail # 7012 2210 0001 3554 3116

EXHIBIT A
TABLE OF VIOLATIONS
October 2009 to the Present

| <u>Outfall</u> | <u>Type of Violation</u> | <u>Parameter</u> | <u>Beginning Date of Violation</u> | <u>Earliest End Date of Violation</u> |
|----------------|---|------------------|------------------------------------|---------------------------------------|
| 1 | Failure to Implement Adequate Control Measures/ Corrective Action | Zinc | October 31, 2009 | Present |
| 2 | Failure to Implement Adequate Control Measures/ Corrective Action | Zinc | October 31, 2009 | Present |
| 1 | Failure to Implement Adequate Control Measures/ Corrective Action | Aluminum | October 31, 2009 | Present |
| 2 | Failure to Implement Adequate Control Measures/ Corrective Action | Aluminum | October 31, 2009 | Present |
| 1 | Failure to Implement Adequate Control Measures/ Corrective Action | TSS | October 31, 2009 | Present |
| 2 | Failure to Implement Adequate Control Measures/ Corrective Action | TSS | October 31, 2009 | Present |
| 1 | Failure to Implement Adequate Control Measures/ Corrective Action | Copper | October 31, 2009 | Present |
| 2 | Failure to Implement Adequate Control Measures/ Corrective Action | Copper | October 31, 2009 | Present |
| 1 | Failure to Implement Adequate Control Measures/ Corrective Action | Iron | October 31, 2009 | Present |
| 2 | Failure to Implement Adequate Control Measures/ Corrective Action | Iron | October 31, 2009 | Present |
| n/a | Failure to Conduct Required Comprehensive Site Inspections | n/a | September 29, 2010 | Present |
| n/a | Failure to Conduct Required Comprehensive Site Inspections | n/a | September 29, 2011 | Present |
| n/a | Failure to Conduct Required Comprehensive Site Inspections | n/a | September 29, 2013 | Present |

| <u>Outfall</u> | <u>Type of Violation</u> | <u>Parameter</u> | <u>Beginning Date of Violation</u> | <u>Earliest End Date of Violation</u> |
|----------------|---|-------------------|------------------------------------|---------------------------------------|
| n/a | Failure to Submit Annual Report | n/a | November 13, 2009 | Present |
| n/a | Failure to Submit Annual Report | n/a | November 13, 2010 | Present |
| n/a | Failure to Submit Annual Report | n/a | November 13, 2011 | Present |
| n/a | Failure to Submit Annual Report | n/a | November 13, 2013 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; July – Sept QTR 2009 | TSS, Iron, Copper | September 30, 2009 | Present |
| 2 | Failure to Conduct Benchmark Monitoring; July – Sept QTR 2009 | TSS, Iron, Copper | September 30, 2009 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; July – Sept QTR 2009 | TSS, Iron, Copper | October 31, 2009 | Present |
| 2 | Failure to Report Results of Benchmark Monitoring; July – Sept QTR 2009 | TSS, Iron, Copper | October 31, 2009 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Oct – Dec QTR 2009 | TSS, Iron, Copper | December 31, 2009 | Present |
| 2 | Failure to Conduct Benchmark Monitoring; Oct – Dec QTR 2009 | TSS, Iron, Copper | December 31, 2009 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Oct – Dec QTR 2009 | TSS, Iron, Copper | January 31, 2009 | Present |
| 2 | Failure to Report Results of Benchmark Monitoring; Oct – Dec QTR 2009 | TSS, Iron, Copper | January 31, 2009 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Jan – Mar QTR 2010 | TSS, Iron, Copper | March 31, 2010 | Present |
| 2 | Failure to Conduct Benchmark Monitoring; Jan – Mar QTR 2010 | TSS, Iron, Copper | March 31, 2010 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Jan – Mar QTR 2010 | TSS, Iron, Copper | April 30, 2010 | Present |
| 2 | Failure to Report Results of Benchmark Monitoring; Jan – Mar QTR 2010 | TSS, Iron, Copper | April 30, 2010 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Apr – June QTR 2010 | TSS, Iron, Copper | June 30, 2010 | Present |

| <u>Outfall</u> | <u>Type of Violation</u> | <u>Parameter</u> | <u>Beginning Date of Violation</u> | <u>Earliest End Date of Violation</u> |
|----------------|---|-----------------------------|------------------------------------|---------------------------------------|
| 2 | Failure to Conduct Benchmark Monitoring; Apr – June QTR 2010 | TSS, Iron, Copper | June 30, 2010 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Apr – June QTR 2010 | TSS, Iron, Copper | July 31, 2010 | Present |
| 2 | Failure to Report Results of Benchmark Monitoring; Apr – June QTR 2010 | TSS, Iron, Copper | July 31, 2010 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; July – Sept QTR 2010 | TSS, Iron, Copper | September 30, 2010 | Present |
| 2 | Failure to Conduct Benchmark Monitoring; July – Sept QTR 2010 | TSS, Iron, Copper, Zinc | September 30, 2010 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; July – Sept QTR 2010 | TSS, Iron, Copper | October 31, 2010 | Present |
| 2 | Failure to Report Results of Benchmark Monitoring; July – Sept QTR 2010 | TSS, Iron, Copper, Zinc | October 31, 2010 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Oct – Dec QTR 2010 | TSS, Iron, Copper | December 31, 2010 | Present |
| 2 | Failure to Conduct Benchmark Monitoring; Oct – Dec QTR 2010 | TSS, Iron, Copper, Aluminum | December 31, 2010 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Oct – Dec QTR 2010 | TSS, Iron, Copper | January 31, 2011 | Present |
| 2 | Failure to Report Results of Benchmark Monitoring; Oct – Dec QTR 2010 | TSS, Iron, Copper, Aluminum | January 31, 2011 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Jan – Mar QTR 2011 | TSS, Iron, Copper | March 31, 2011 | Present |
| 2 | Failure to Conduct Benchmark Monitoring; Jan – Mar QTR 2011 | TSS, Iron, Copper, Aluminum | March 31, 2011 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Jan – Mar QTR 2011 | TSS, Iron, Copper | April 30, 2011 | Present |

| <u>Outfall</u> | <u>Type of Violation</u> | <u>Parameter</u> | <u>Beginning Date of Violation</u> | <u>Earliest End Date of Violation</u> |
|----------------|---|-----------------------------|------------------------------------|---------------------------------------|
| 2 | Failure to Report Results of Benchmark Monitoring; Jan – Mar QTR 2011 | TSS, Iron, Copper, Aluminum | April 30, 2011 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Apr – June QTR 2011 | TSS, Iron, Copper | June 30, 2011 | Present |
| 2 | Failure to Conduct Benchmark Monitoring; Apr – June QTR 2011 | TSS, Iron, Copper, Aluminum | June 30, 2011 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Apr – June QTR 2011 | TSS, Iron, Copper | July 31, 2011 | Present |
| 2 | Failure to Report Results of Benchmark Monitoring; Apr – June QTR 2011 | TSS, Iron, Copper, Aluminum | July 31, 2011 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; July – Sept QTR 2011 | All | September 30, 2010 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; July – Sept QTR 2011 | All | October 28, 2011 | April 4, 2013 |
| 1 | Failure to Conduct Benchmark Monitoring; Oct – Dec QTR 2011 | All | December 31, 2011 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Oct – Dec QTR 2011 | All | January 31, 2011 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Jan – Mar QTR 2012 | All | March 31, 2012 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Jan – Mar QTR 2012 | All | April 30, 2012 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Apr – June QTR 2012 | All | June 30, 2012 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Apr – June QTR 2012 | All | July 31, 2012 | Present |

| <u>Outfall</u> | <u>Type of Violation</u> | <u>Parameter</u> | <u>Beginning Date of Violation</u> | <u>Earliest End Date of Violation</u> |
|----------------|---|-----------------------------|------------------------------------|---------------------------------------|
| 1 | Failure to Conduct Benchmark Monitoring; July – Sept QTR 2012 | All | September 30, 2012 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; July – Sept QTR 2012 | All | October 31, 2012 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Oct – Dec QTR 2012 | All | December 31, 2012 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Oct – Dec QTR 2012 | All | January 31, 2013 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Jan – Mar QTR 2013 | TSS, Iron, Copper, Aluminum | March 31, 2013 | Present |
| 2 | Failure to Conduct Benchmark Monitoring; Jan – Mar QTR 2013 | All | March 31, 2013 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Jan – Mar QTR 2013 | TSS, Iron, Copper, Aluminum | April 30, 2013 | Present |
| 2 | Failure to Report Results of Benchmark Monitoring; Jan – Mar QTR 2013 | All | April 30, 2013 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Apr – June QTR 2013 | TSS, Iron, Copper, Aluminum | June 30, 2013 | Present |
| 2 | Failure to Conduct Benchmark Monitoring; Apr – June QTR 2013 | All | June 30, 2013 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Apr – June QTR 2013 | TSS, Iron, Copper, Aluminum | July 31, 2013 | Present |
| 2 | Failure to Report Results of Benchmark Monitoring; Apr – June QTR 2013 | All | July 31, 2013 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; July – Sept QTR 2013 | TSS, Iron, Copper, Aluminum | September 30, 2013 | Present |

| <u>Outfall</u> | <u>Type of Violation</u> | <u>Parameter</u> | <u>Beginning Date of Violation</u> | <u>Earliest End Date of Violation</u> |
|----------------|---|-----------------------------|------------------------------------|---------------------------------------|
| 2 | Failure to Conduct Benchmark Monitoring; July – Sept QTR 2013 | All | September 30, 2013 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; July – Sept QTR 2013 | TSS, Iron, Copper, Aluminum | October 31, 2013 | Present |
| 2 | Failure to Report Results of Benchmark Monitoring; July – Sept QTR 2013 | All | October 31, 2013 | Present |
| 1 | Failure to Conduct Benchmark Monitoring; Oct – Dec QTR 2013 | TSS, Iron, Copper, Aluminum | December 31, 2013 | Present |
| 2 | Failure to Conduct Benchmark Monitoring; Oct – Dec QTR 2013 | All | December 31, 2013 | Present |
| 1 | Failure to Report Results of Benchmark Monitoring; Oct – Dec QTR 2013 | TSS, Iron, Copper, Aluminum | January 31, 2013 | Present |
| 2 | Failure to Report Results of Benchmark Monitoring; Oct – Dec QTR 2013 | All | January 31, 2013 | Present |

EXHIBIT B

DAYS BETWEEN OCTOBER 28, 2009 AND OCTOBER 25, 2014 ON WHICH STORMWATER FROM FACILITY DISCHARGED TO WATERS OF THE UNITED STATES

| | |
|-----------------|--|
| October 2009: | 28, 29 |
| November 2009: | 1, 6, 14, 15, 20, 21, 28 |
| December 2009: | 1, 3, 4, 6, 9, 10, 14, 27, 29 |
| January 2010: | 1, 2, 3, 4, 18, 20, 26, 29 |
| February 2010: | 17, 24, 25, 26, 27 |
| March 2010: | 14, 16, 23, 24, 26, 29, 30, 31 |
| April 2010: | 10, 17, 18, 27 |
| May 2010: | 4, 8, 9, 14, 19, 27, 30 |
| June 2010: | 2, 5, 7, 10, 11, 13, 17, 21, 23 |
| July 2010: | 11, 17, 18, 20, 24, 25 |
| August 2010: | 6, 10, 16, 17, 23 |
| September 2010: | 17, 28, 29 |
| October 2010: | 1, 2, 6, 7, 15, 16, 28 |
| November 2010: | 5, 6, 8, 9, 17, 18, 26 |
| December 2010: | 2, 13, 27 |
| January 2011: | 9, 12, 13, 18, 19, 21, 25, 27 |
| February 2011: | 2, 3, 6, 8, 25, 26, 27 |
| March 2011: | 1, 7, 11, 12, 17, 22 |
| April 2011: | 1, 5, 6, 13, 14, 17, 20, 24 |
| May 2011: | 5, 8, 15, 16, 17, 18, 19, 20, 24, 25, 29, 31 |
| June 2011: | 2, 9, 10, 11, 12, 16, 18, 23, 24, 25, 26, 29 |
| July 2011: | 7, 8, 9, 14, 26, 27, 30 |
| August 2011: | 2, 7, 8, 10, 15, 16, 22, 26, 28, 29 |
| September 2011: | 6, 7, 8, 9, 16, 21, 22, 23, 24, 29 |
| October 2011: | 1, 2, 4, 5, 13, 14, 15, 20, 27, 28, 30 |
| November 2011: | 11, 17, 23, 30 |
| December 2011: | 7, 8, 16, 22, 23, 28 |
| January 2012: | 12, 13, 17, 19, 20, 22, 24, 27, 28 |
| February 2012: | 17, 25 |
| March 2012: | 1, 3, 4, 13 |
| April 2012: | 2, 23, 24, 27 |
| May 2012: | 2, 3, 8, 9, 10, 15, 16, 30, 31 |
| June 2012: | 2, 3, 4, 5, 9, 13, 14, 24, 26 |
| July 2012: | 4, 14, 24, 25, 29 |
| August 2012: | 6, 11, 12, 13, 15, 16, 17, 28, 29 |
| September 2012: | 5, 6, 9, 19, 23, 28, 29 |
| October 2012: | 1, 3, 5, 8, 11, 14, 15, 16, 20, 30, 31 |

| | |
|-----------------|--|
| November 2012: | 8, 13, 14, 28 |
| December 2012: | 8, 10, 17, 18, 21, 22, 27, 28, 30 |
| January 2013: | 12, 16, 17, 29, 30, 31 |
| February 2013: | 1, 9, 12, 20, 24, 25, 27, 28 |
| March 2013: | 8, 9, 13, 19, 20 |
| April 2013: | 1, 11, 12, 13, 20 |
| May 2013: | 9, 10, 12, 22, 24, 25, 26, 29, 30 |
| June 2013: | 3, 4, 7, 8, 11, 12, 14, 18, 19, 25, 28, 29 |
| July 2013: | 2, 8, 9, 11, 23, 24, 26 |
| August 2013: | 2, 10, 14, 27, 29 |
| September 2013: | 1, 2, 3, 10, 11, 13, 22 |
| October 2013: | 5, 6, 7, 8 |
| November 2013: | 1, 8, 18, 22, 23, 27, 28 |
| December 2013: | 7, 10, 15, 18, 24, 30 |
| January 2014: | 2, 3, 6, 7, 11, 12, 15, 19 |
| February 2014: | 4, 5, 6, 14, 16, 19, 20, 21, 22 |
| March 2014: | 13, 20, 29, 30, 31 |
| April 2014: | 1, 5, 8, 12, 16, 24, 26, 27, 30 |
| May 2014: | 1, 2, 11, 16, 17, 23, 24, 25, 28, 31 |
| June 2014: | 4, 6, 14, 18, 26 |
| July 2014: | 3, 4, 5, 10, 14, 16, 24, 28 |
| August 2014: | 6, 13, 14, 22, 28 |
| September 2014: | 1, 8, 15, 21 |
| October 2014: | 2, 5, 8, 12, 17, 23, 24 |